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EXAMINER

JACKSON, JENISE E

ART UNIT

PAPER NUMBER

2131

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/854,307

Applicant(s)

FRIEDMAN, SOLOMON

Examiner

Jenise E. Jackson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 and 43-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32, 43-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/01/2005
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-32, 43-52 are rejected under 35 U.S.C. 102(b) as being anticipated by O'Flaherty(6,275,824).
3. As per claim 1, O'Flaherty et al. discloses a system for conducting a transaction with privacy on a wide area network(see col. 4, lines 61-67, col. 5, lines 13-16), said system including: a personal access device (PAD) contained in a manually portable housing and associated with a subscriber to said system, the manually portable PAD(col. 5, lines 1-13), said PAD storing a profile of the subscriber and generating commands(see col. 5, lines 1-9, 13-22); a privacy service provider (PSP)(i.e. privacy proxy) connected to the wide area network(see col. 14, lines 9-30), said manually portable PAD being directly accessible by said PSP under first conditions set by said profile and said PSP being responsive in real-time to the interactive and wirelessly transmitted commands from the manually portable PAD(see col. 14, lines 9-30); a registered vendor (RV) connected to the wide area network(see col. 14, lines 8-12); and a privacy shield network (PSN) connected to the wide area network(see col. 14, lines 8-30), said RV being registered with said PSN and said PSN being structured to carry communications between said PSP and said RV related to the transaction under second conditions set by said profile(see col. 5, lines 17-22, 30-44, col. 14, lines 8-30).

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4. As per claim 2, O'Flaherty discloses wherein said PAD stores private data associated with the subscriber, and wherein said PSP releases any of said private data to said RV only under said first and second conditions(see col. 5, lines 1-38).
5. As per claim 3, O'Flaherty discloses wherein the PSP also stores the profile and the private data(see col. 5, lines 1-6, 17-38).
6. As per claim 4, O'Flaherty discloses wherein said PSP controls access by the RV to the PAD under the first and second conditions(col. 14, lines 8-30).
7. As per claim 5, O'Flaherty discloses wherein said PSP includes a network server(see col. 14, lines 10-13).
8. As per claim 6, O'Flaherty discloses wherein said RV includes a network server(see col. 14, lines 11-12).
9. As per claim 7, O'Flaherty discloses wherein said PSN includes a network server(see col. 5, lines 30-38).
10. As per claim 8, O'Flaherty discloses wherein said PSP controls access by said RV to said profile under said second conditions(see col. 14, lines 8-30).
11. As per claim 9, O'Flaherty discloses a second registered vendor (RV) connected to the wide area network(see col. 4, lines 61-67, col. 5, lines 13-16), said PSP being accessible by said second RV under third conditions set by said profile(see col. 14, lines 8-30), said second RV being accessible by the first mentioned RV under fourth conditions set by said second RV and said first RV being accessible by said second RV under fifth conditions set by said first RV(see col. 5, lines 17-22, 30-44, col. 14, lines 8-30).

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12. As per claim 10, O'Flaherty et al. discloses wherein said second conditions include authorization conditions for authorizing the transaction among said PAD, said first RV and said second RV(see col. 5, lines 17-22, 30-44, col. 14, lines 8-30).

13. As per claim 11, O'Flaherty discloses wherein said authorization conditions include a first authorization for authorizing the second RV to complete an intermediate transaction with said first RV(see col. 13, lines 25-60).

14. As per claim 12, O'Flaherty discloses wherein said first authorization is sent from said PSP to said second RV over said PSN, said PSN preventing said first RV from access to first authorization(see col. 14, lines 45-65).

15. As per claim 13, O'Flaherty discloses wherein said second conditions include authorization conditions for authorizing the transaction between said PAD and said RV(see col. 5, lines 17-22, 30-44, col. 14, lines 8-30).

16. As per claim 14, O'Flaherty discloses wherein said authorization conditions control whether said first RV is authorized to request a response from said PAD(see col. 14, lines 8-30).

17. As per claim 15, O'Flaherty discloses wherein the wide area network is the Internet(see col. 14, lines 21-23).

18. As per claim 16, O'Flaherty discloses a personal access device (PAD) associated with a subscriber for conducting a transaction with privacy on a wide area network(see col. 4, lines 61-67, col. 5, lines 13-16), a manually portable housing; said PAD including: a memory for storing a profile of the subscriber; a manually actuable command generator for generating commands(see col. 5, lines 1-9, 13-22); a wireless transmitter for wirelessly transmitting the interactive commands to a privacy service provider (PSP) directly accessible to the manually portable PAD,

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with the PSP being responsive in real-time to the wirelessly transmitted interactive commands, and with the PSP being connected to the wide area network(see col. 14, lines 9-30); and a receiver for receiving authorized requests from the PSP, the PSP communicating with said PAD under first conditions set by said profile(see col. 5, lines 1-38), each authorized request having been received by said PSP over a privacy shield network (PSN) connected to the wide area network from a registered vendor (RV) or another privacy service provider, the RV being registered on the PSN and communicating with the PSP under second conditions set by said profile(see col. 5, lines 1-38).

19. As per claim 17, O'Flaherty discloses wherein the PSP receives first requests over the PSN and determines which ones of the first requests are authorized requests under said first conditions set by said profile(see col. 5, lines 1-38).

20. As per claim 18, O'Flaherty discloses wherein if the PSP determines that one of the first requests is not an authorized request, the PSP selectively responds to this first request over the PSN under second conditions set by said profile(see col. 14, lines 8-30).

21. As per claim 19, O'Flaherty discloses wherein said PAD is in the form of a card(see col. 5, lines 1-16, col. 14, lines 25-30).

22. As per claim 20, O'Flaherty discloses wherein said PAD stores private data associated with the subscriber, and wherein the PSP releases any of said private data to the RV only under said first and second conditions (see col. 5, lines 1-38).

23. As per claim 21, O'Flaherty discloses wherein the PSP also stores said profile and said private data(see col. 5, lines 1-6, 17-38).

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24. As per claim 22, O'Flaherty discloses a privacy service provider (PSP) for facilitating communications between a privacy shield network (PSN) and a personal access device (PAD) associated with a subscriber to the PSN(see col. 14, lines 9-30), where the PAD stores a profile of the subscriber and where said PSP and the PSN are connected to a wide area network(see col. 5, lines 1-9, 13-22), said PSP including: a receiver for receiving interactive commands transmitted wirelessly from the PAD, wherein the PAD is contained in manually portable housing; a server, responsive in real-time to the wirelessly transmitted interactive commands from the manually portable PAD(see col. 5, lines 1-16, col. 14, lines 25-30), for communicating with a registered vendor (RV) over the PSN under first conditions set by said profile and in accordance with wirelessly transmitted interactive commands received from the PAD, said server also for receiving first requests from the RV and for determining which ones of the first requests are authorized requests under second conditions set by said profile; and a transmitter for transmitting in real-time the authorized requests to the PAD(see col. 4, lines 61-67, col. 5, lines 13-16).

25. As per claim 23, O'Flaherty discloses wherein said server is for communicating with a plurality of RVs over the PSN in the same way as with the first-mentioned RV(see col. 14, lines 8-30).

26. As per claim 24, O'Flaherty discloses wherein the PAD stores private data associated with the subscriber, and wherein said PSP releases any of said private data to the RV only under said first and second conditions(see col. 5, lines 1-38).

27. As per claim 25, O'Flaherty discloses wherein said PSP also stores said profile and said private data(see col. 5, lines 1-6, 17-38).

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28. As per claim 26, O'Flaherty discloses a privacy shield network (PSN) connected to a wide area network(see col. 5, lines 1-9, 13-22), said PSN controlling communications among a plurality of privacy service providers (PSPs) and a plurality of registered vendors (RVs), where each PSP is directly controlled by interactive commands transmitted wirelessly in real-time from a respective personal access device (PAD) contained in a respective manually portable housing and associated with a respective subscriber to said PSN and is further controlled under conditions set by a profile associated with the respective subscriber stored in the respective PAD(see col. 5, lines 1-38, col. 14, lines 8-30), said PSN comprising: a first server structure for controlling registration of vendors as RVs, where said PSN prevents transfer of communications from unregistered vendors to any of the PSPs and RVs(see col. 14, lines 8-12); and a second server structure for controlling communications using the wide area network from any of the PSPs and RVs to any of the PSPs and RVs, wherein said second server structure controls any communication in real-time between a first one of the PSPs and any other one of the PSPs and RVs under conditions set by the profile stored in the PAD controlled by the first PSP, with the real-time control of communications performed by the interactive commands transmitted wirelessly from the manually portable PAD directly accessible to each PSP(see col. 14, lines 45-65, col. 15, lines 1-15).

29. As per claim 27, O'Flaherty discloses wherein said second server structure controls routing of communications from any of the PSPs and RVs to any of the PSPs and RVs over the wide area network(see col. 13, lines 34-60, col. 14, lines 8-30).

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30. As per claim 28, O'Flaherty discloses wherein each PAD stores private data associated with the respective subscriber, and wherein the associated PSP releases any of said private data to any of the PSPs and RVs only under said first and second conditions(see col. 5, lines 1-38).

31. As per claim 29, O'Flaherty discloses wherein at least one of the PSPs also stores said profile and said private data of the respective subscriber(see col. 5, lines 1-6, 17-38).

32. As per claim 30, O'Flaherty discloses a method of conducting a transaction with privacy using a privacy shield network (PSN) connected to a wide area network(see col. 5, lines 1-9, 13-22), the method including the steps of, storing a profile of a subscriber to the PSN in a personal access device (PAD) contained in a manually portable housing and associated with the subscriber(see col. 5, lines 1-38); generating interactive commands using the PAD; wirelessly transmitting the interactive commands from the PAD; directly accessing the PAD in real-time under first conditions set by the profile using a privacy service provider (PSP) connected to the wide area network(see col. 4, lines 61-67, col. 5, lines 13-16), the PSP being controlled by the wirelessly transmitted interactive commands from the PAD(see col. 14, lines 9-30); registering a vendor with the PSN as a registered vendor (RV) connected to the wide area network(see col. 14, lines 8-30); and carrying communications between the PSP and the RV related to the transaction under second conditions set by the profile using the PSN(see col. 5, lines 1-38).

33. As per claim 31, it is rejected under the same basis as claim 1.

34. As per claim 32, O'Flaherty discloses a method of using a privacy shield network (PSN) connected to a wide area network to control communications among a plurality of privacy service providers (PSPs) and a plurality of registered vendors (RVs)(see col. 5, lines 1-9, 13-22), where each PSP is directly controlled by interactive commands transmitted wirelessly from a

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respective personal access device (PAD) contained in a respective manually portable housing and associated with a respective subscriber to the PSN and is further controlled under conditions set by a profile of the respective subscriber stored in the respective PAD(see col. 5, lines 1-38), the steps of using a first service structure for controlling registration of vendors as RVs, where the PSN prevents transfer of communications of unregistered vendors to any of the PSPs and RVs(see col. 14, lines 8-30); and using a second server structure for controlling communications using the wide area network from any of the PSPs and RVs to any of the PSPs and RVs, wherein the second server structure controls any communication in real-time between a first one of the PSPs and any other one of the PSPs and RVs under conditions set by the profile, with the real-time control of communications performed by the interactive commands transmitted wirelessly from the manually portable PAD directly accessible to each PSP(see col. 5, lines 1-38, col. 14, lines 8-30).

35. As per claim 43, O'Flaherty discloses an XML privacy service provider linked to the Internet for communication; a plurality of private XML subscriber data files accessible to the PSP, each file being associated with a respective subscriber(see col. 4, lines 61-67, col. 5, lines 1-16); a subscriber programmable personal access device(PAD)contained in a manually portable housing for each subscriber to access the respective file and to directly communicate in real-time with the PSP using interactive commands transmitted wirelessly from the PAS; and a plurality of registered vendors(RVs) linked to the Internet for communication with the subscribers under conditions set by the respective files through the PSP(see col. 5, lines 1-38, col. 14, lines 8-30).

36. As per claim 44, O'Flaherty discloses wherein the PSP includes means for receiving communications from a subscriber; means for transmitting a subscriber's file to that subscriber

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and for changing data in the subscriber's file in response to the subscriber's authorization; and means for communicating with an RV in connection with a subscriber's file(see col. 4, lines 61-67, col. 5, lines 1-16, col. 6, lines 50-67, col. 10, lines 49-64).

37. As per claim 45, O'Flaherty discloses wherein each XML subscriber data file includes at least one of the following, subscriber identifying data; subscriber credit account data; subscriber cash account data; subscriber product preference identifiers; and subscriber product exclusion identifiers(see col. 6, lines 50-67, col. 10, lines 49-64).

38. As per claim 46, O'Flaherty discloses wherein each PAD, a CPU, an operating system and a memory device; a battery; a wireless RF communication chip; an input/output interface(see col. 4, lines 61-67, col. 5, lines 1-16, col. 6, lines 50-67, col. 10, lines 49-64).

39. As per claim 47, O'Flaherty discloses a portable battery-powered personal access(PAD) for use in a system for a plurality of individual subscribers to receive and transmit private personalized communications via the Internet, the system including an XML privacy service provider(PSP) linked to the Internet for communication(see col. 4, lines 61-67, col. 5, lines 1-16, col. 6, lines 50-67, col. 10, lines 49-64), a plurality of private XML subscriber data files accessible to the PSP, each file being associated with a respective subscriber, the PAD being for each subscriber to access the respective file and communicate with the PSP, and a plurality of registered vendors(RVs) linked to the Internet for communication with the subscribers under conditions set by the respective files through the PSP(see col. 6, lines 50-67, col. 10, lines 49-64), the PAD a manually portable housing; at least one programmable integrated circuit(IC) device that include encrypted identification means; non-directional, short-range communication signal generation and receiving means for wirelessly transmitting interactive commands directly

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to the PSP in real-time; a CPU, an operating system and a memory device; and an input/output interface(see col. 5, lines 1-9, 13-22).

40. As per claims 48, O'Flaherty discloses wherein said IC device is removable from said PAD(see col. 4, lines 61-67, col. 5, lines 1-16).

41. As per claims 49, O'Flaherty discloses wherein the encrypted identification means is a unique digital code embedded in ROM(see col. 10, lines 49-57).

42. As per claims 50, O'Flaherty discloses wherein said IC device is preprogrammed to disable the identification means in the event that security of the unique digital code is breached(see col. 4, lines 61-67, col. 5, lines 1-16, col. 10, lines 49-63).

43. As per claims 51, O'Flaherty discloses a housing, an electronic display visible through an aperture in said housing and at least one manual actuator for controlling functions of said PAD(see col. 13, lines 34-60).

44. As per claims 52, O'Flaherty discloses a microphone having an on/off switch and a voice recognition program that converts voice to digital data for storage in said memory device(see col. 4, lines 61-67, col. 13, lines 34-60).

Response to Amendment

45. The Applicant states that O'Flaherty does not disclose a personal access device(PAD) which is contained in a manually portable housing and which generates interactive commands transmitted wirelessly. The Examiner disagrees with the Applicant. O'Flaherty discloses a kiosk or atm that processes transactions(see col. 14, lines 23-30).

46. The Applicant states that O'Flaherty does not have a PAD directly accessible by the PSP. The Examiner disagrees with the Applicant. O'Flaherty discloses the client or consumer the

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ability to conduct an anonymous transaction with a retailer or other entity, by using a privacy proxy service, which provides an anonymizing interpreter between the consumer and the retailer(see col. 14, lines 8-15).

47. The Applicant states that O'Flaherty does not have a PSP responsive in real-time to such interactive and wirelessly transmitted commands from a PAD. The Examiner disagrees with the Applicant. O'Flaherty discloses that a kiosk can issue a smartcard, and the smartcard can be read by the kiosk(see col. 5, lines 1-16). Since the smartcard has to be inserted in the kiosk in order to be read, this occurs in real-time.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jenise E. Jackson whose telephone number is (571) 272-3791. The examiner can normally be reached on M-Th (6:00 a.m. - 3:30 p.m.) alternate Friday's.

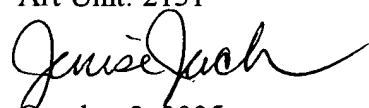
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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October 2, 2005


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